

ORDINANCE BR-4-01

AN ORDINANCE RELATING TO THE CONSTRUCTION, ALTERATION, USE AND  
MAINTENANCE OF INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS IN  
THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT ORDAINED by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. TITLE, PURPOSE AND INTENT. This Ordinance shall be known as the Individual Subsurface Sewage Disposal System Ordinance of the Township of Chatham.

The provisions of this Ordinance are intended to effectuate the administration by the Board of Health of the Township of Chatham (the Board of Health) of the rules, regulations and requirements of the Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A-1 and following (the State Standards) and to prescribe certain higher standards with respect to such systems in the Township of Chatham. No provision of this Ordinance shall be interpreted or applied so as to diminish or lessen the minimum requirements of the State Standards.

2. CERTAIN APPLICATIONS TO BE ACTED ON AT MEETINGS OF THE TOWNSHIP BOARD OF HEALTH. Each of the following applications shall be considered and acted upon by the Board of

Health at meetings of the Board:

- (a) an application for a permit to construct an individual subsurface sewage disposal system;
- (b) an application for a permit to alter an individual subsurface sewage disposal system;
- (c) an application to modify the design or location of an individual subsurface sewage disposal system previously approved by the Board of Health; and
- (d) an application for the approval of preliminary plans to use an individual subsurface sewage disposal system or systems to serve a lot or lots proposed to be created by sub-division approval or proposed to be developed in accordance with site plan approval.

An application for a permit to repair an individual subsurface sewage disposal system by fixing, refurbishing or replacing one or more components in a manner that will restore and preserve the system without changing the original location, design, construction, size, capacity, type or number of the components of the system shall be reviewed and acted upon by the Township Registered Environmental Health Specialist.

3. APPLICATION REQUIREMENTS. An application for a permit to construct or alter an individual subsurface sewage disposal system shall be submitted on the application form provided by the Board of Health. The application form shall be fully and accurately completed and shall be accompanied by soil log data, soil test data, design data and calculations, and plans for the new or altered system. The application and all accompanying documents shall be signed and sealed by a licensed professional engineer.

All plans submitted to the Board of Health in connection with a proposed individual subsurface sewage disposal system or the alteration of an existing system shall be at a scale not smaller than 1 inch equals 50 feet, shall show contours at 1-foot or 2-foot intervals, and shall meet all of the requirements of N.J.A.C. 7:9A-3.5. A key map showing the loca-

tion of the lot or lands in relation to other lands shall be included in an upper corner of the plan.

All soil log data, soil test results, design data and calculations and the particular construction specifications shall be placed upon the plans.

Any waste transmission line passing under a driveway or other area to be used by motor vehicles shall be provided with a suitable sleeve.

4. LABORATORY PERMEABILITY ANALYSES. Each soil sample taken by the applicant's professional engineer for purposes of tube permeameter test analysis and soil permeability class rating shall be approved in the field by the Township Registered Environmental Health Specialist. A report of every soil sample analysis shall be filed with the Board of Health.

5. SOIL TESTS. Soil tests for the sizing of disposal fields and trenches shall meet the following requirements: In no event shall a soil permeability class rating test be used for soils which are clay, silty clay, silty clay loam,

sandy clay, clay loam, silt loam or silt, as such soils are defined and described in the State Standards. Accordingly, soil permeability class ratings of either KO or K1 shall not be used for purposes of the design of an individual subsurface sewage disposal system.

In connection with any application, the Board of Health may require an applicant to perform additional soil permeability tests at depths other than the depth of infiltration when doubt exists as to the presence or type of a limiting zone.

Whenever more than one test rate is obtained for a proposed disposal field or trench, the test rate used for design calculations shall be the slowest test rate.

6. FILL MATERIAL USED IN THE ZONE OF TREATMENT.  
When fill material is utilized in the zone of treatment, the fill shall meet the following requirements:

(a) Coarse fragment content less than 15% by volume or less than 25% by weight;

(b) 2% minimum to 4% maximum clay with a silt

plus clay range from 5% to 12%;

(c) Textural analysis (composition, by weight, of size fraction passing the two millimeter sieve): from 88% to 95% total sand fraction of which not more than 40% shall be fine plus very fine sands; and

(d) Permeability from 2 to 20 inches per hour; or percolation rate from 3 to 30 minutes per inch.

7. DISTANCE OF DISPOSAL FIELD FROM PROPERTY LINE OF AN ADJACENT LOT; DISTANCE FROM PONDS, BASINS AND FLOOD HAZARD AREAS; EXCLUSION FROM EASEMENTS; PROTECTION OF WETLANDS; MEASUREMENTS BETWEEN DISPOSAL FIELDS AND INDIVIDUAL WATER SUPPLY SYSTEMS. Inasmuch as State Standards require a minimum distance of 50 feet between disposal fields on adjacent lots, no part of a disposal field shall be closer than 25 feet to the property line of an adjacent lot, provided, however, that the Board of Health may reduce the distance to not less than 10 feet for an existing lot in the event that the Board determines that the reduction approved is necessary by reason of the size, shape or condition of the existing lot and that the reduction will not unreasonably affect the opportunity to use an individual subsurface sewage disposal system to serve the adjacent lot.

No part of a disposal field shall be closer than 50 feet to a natural pond or to a detention/retention basin, as measured from the top of the bank.

No part of a disposal field shall be closer than 50 feet to an area of special flood hazard as established by the provisions of Article 10, Flood Hazard Area Regulations of the Land Use Ordinance of the Township of Chatham.

No part of a disposal field shall be located within an existing or proposed easement.

No part of a disposal field shall be closer than 50 feet to the boundary of a freshwater wetlands and no part of a disposal field shall be located within a wetland transition area as the wetlands or transition area may be established by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection, and all applicable provisions of the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 and following, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 and following shall be complied with.

In order to assure compliance with the requirements regarding minimum distances between individual subsurface sewage disposal systems and individual water supply systems on



the same lot or on adjacent lots, prior to the design of any new such system, and in any event prior to Board of Health approval for any new such system, appropriate distance measurements shall be made in the field in the presence of a representative of the Board of Health. The results of such distance measurements shall be shown upon the system design plan submitted to the Board of Health for approval as well as upon any as-built plan for the system.

Whenever an application to the Board for a permit to construct or alter an individual subsurface sewage disposal system proposes a disposal field or disposal trenches closer than 25 feet to the property line of an adjacent lot, the applicant shall accompany the application to the Board with evidence by affidavit that at least 10 calendar days before consideration of the application by the Board written notice of the application was served by the applicant in person or by certified mail, return receipt requested, upon the owner of the adjacent lot as the owner is shown by the current Township tax list, such notice and proof to be in the form provided by the Board for such purpose. In acting upon the application the Board shall give due consideration to any objections or comments which may be presented to the Board by any such adjacent owner. A municipal street shall not be considered to be an adjacent lot for purposes of this paragraph.

8. LOT GRADING IN CONNECTION WITH AN ALTERATION OF AN INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM Unless the Board of Health for good cause may approve otherwise, any disposal field installed in connection with the alteration of an individual subsurface sewage disposal system which is located in proximity to a property line shall be designed and graded in compliance with the following standards:

(a) there shall be no change in grade which raises any portion of the lot within five (5) feet of a property line;

(b) there shall be no change in existing grade which raises any portion of the lot within fifteen (15) feet of a property line to an elevation which is more than four (4) feet above the existing ground level at the property line;

(c) any new grade shall be an even slope with the toe of the slope at the ground level no less than five (5) feet inside the property line, provided, however, that when deemed necessary a swale may be created in order to control surface waters in a manner that will protect abutting lands; and

(d) any retaining wall shall not exceed six (6) feet in height above the natural grade, provided,

however, that for each six (6) inches in height above the natural grade a retaining wall shall be set back at least one (1) foot from the property line to which it is adjacent.

The foregoing minimum distances from property lines shall be measured at right angles to straight portions and radial to curved portions.

9. PROHIBITED ACTIVITIES. No person shall install a garbage disposal unit in a new or existing dwelling served by an individual subsurface sewage disposal system with-out the specific written approval of the Board of Health.

No person shall dispose of any swimming pool backwash water or other swimming pool water in an individual subsurface sewage disposal system.

No person shall grade or regrade any property in a manner that will cause surface waters to flow upon the area in which the disposal field of an individual subsurface sewage disposal system is located.

No person shall plant on top of the disposal field of an individual subsurface sewage disposal system trees or other vegetation having a root system that is capable of physi-

cally disrupting the disposal field.

10. EXPIRATION OF PERMITS. Every permit issued for the construction of an individual subsurface sewage disposal system shall expire 1 year after the date of issuance unless prior to such time construction of the realty improvement with respect to which the permit was issued shall have been commenced.

The Board of Health may in its discretion renew a permit which has expired under the provisions of this section. Any renewal shall be subject to the provisions of this section. A fee of \$5.00 shall be charged for the renewal of a permit.

11. REQUESTS FOR FIELD INSPECTIONS BY BOARD OF HEALTH REGISTERED ENVIRONMENTAL HEALTH SPECIALIST. The Board of Health shall be given at least 48 hours prior notice (973-635-4600) of any of the following:

(a) performance of soil logs and soil permeability tests in existing ground for purposes of the preparation of an application for a permit to construct or alter an individual subsurface sewage disposal system or for purposes of the preparation of a subdivision or site plan application;

(b) completion of excavation for an individual subsurface disposal system and prior to placing or replacing any soil;

(c) performance of soil permeability tests in any select material incorporated in the system;

(d) backfilling or covering any component of the system; and

(e) final inspection of the system prior to issuance of a certificate of compliance.

The person giving the required notice shall provide a telephone number at which such person may be reached by the Township Registered Environmental Health Specialist for purposes of scheduling the time at which a required field inspection will be performed.

A copy of the analysis of every soil sample taken shall be furnished to the Township Board of Health.

12. REQUIREMENT FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE. Prior to the issuance of a certificate of compliance as to an individual subsurface sewage disposal system, the licensed professional engineer who designed the new

system, or the alteration of an existing system, and the Township Registered Environmental Health Specialist who inspected the system shall both execute the appropriate form certifying that the system has been constructed and installed or altered in compliance with the State Standards, any applicable higher standards of this Ordinance, the application approved by the Board of Health and as shown on an as-built engineering plan which shall be filed with the Board of Health along with the certification.

13. SPECIAL REQUIREMENT FOR REALTY IMPROVEMENT REQUIRING BOTH NEW INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM AND NEW INDIVIDUAL WATER SUPPLY SYSTEM. In the event that a realty improvement is to be served by both a new individual subsurface sewage disposal system and a new individual water supply system, then a permit for the construction of the individual subsurface sewage disposal system shall not be issued by the Board of Health until the individual water supply system has been installed and tests establish that the system meets the requirements of Section 11(b) of Board of Health Ordinance BH-5-67, as amended, relating to individual water supply systems, as to yield (based upon tests performed by the licensed well driller) and as to quality (based upon water sample tests performed by a firm approved by the State for the purpose of making such tests).

14. APPLICATIONS FOR APPROVAL OF PRELIMINARY PLANS TO SERVE PROPOSED SUBDIVISION OR SITE PLAN REALTY IMPROVEMENTS WITH INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS. In order to satisfy the requirements of State law and the provisions of the Land Use Ordinance of the Township of Chatham, the Board of Health shall review and approve the preliminary plans for the use of any individual subsurface sewage disposal system to serve any lot in any proposed subdivision or any lot shown upon any site plan application, which review and approval shall be completed prior to the grant of subdivision or site plan approval by any other Township body.

Board of Health review for subdivision **or site** plan application purposes shall be based upon reports of soil suitability and tests for soil permeability. A minimum of one acceptable soil log and one acceptable soil permeability test shall be made on each proposed lot at a location suitable for a disposal field in view of anticipated development of the lot. A drawing meeting the requirements of Section 3 of this Ordinance shall be submitted showing each lot, the proposed realty improvement for each lot and the size, layout and design of an individual subsurface sewage disposal system to serve the

proposed realty improvement. A proposed system shall meet the requirements of Section 7 of this Ordinance, and no part of a disposal field system shall be proposed to be located within an existing or proposed easement or in an area having a slope which is 15 percent or greater, except in cases where the State Standards limit the slope to 10 percent. The drawing shall also show any of the following which are located within 100 feet of the proposed lot: existing streams, ditches and other water courses, individual subsurface sewage disposal systems and individual water supply systems.

For subdivision review and approval purposes, the preliminary plan for an individual subsurface sewage disposal system to serve a proposed single-family residential lot shall be based upon a dwelling with no less than 5 bedrooms unless the proposed lot will be deed restricted to a lesser number of bedrooms until such time as the lot may be served by a municipal water pollution control system. No part of the disposal field for a lot to be created by subdivision approval shall be located closer than 25 feet to the property line of an adjacent lot served by, or which may require service by an individual subsurface sewage disposal system.

Prior to the performance of work at any site for purposes of obtaining soil logs or for purposes of soil suitability testing and prior to the scheduling of any observation



of tests by the Township Registered Environmental Health Specialist a plan shall be submitted to the Board of Health showing the entire tract subject of the subdivision or site plan application and showing the locations of any of the following which may be present on the tract: any freshwater wetlands and wetland transition areas as established by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection; State open waters; streams; ditches; and other water courses. The plan shall also show the proposed locations for all soil logs and soil suitability tests, as well as proposed vehicular access to such locations. No activity shall be undertaken in violation of the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 and following, or the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 and following.

In the event that the Board of Health shall approve the preliminary plans for the use of an individual sub-surface sewage disposal system for a proposed subdivision lot or site plan, the Board shall adopt a resolution of approval and shall forward certified copies of the resolution to the Township board acting on the subdivision or site plan application, to the applicant and to the applicant's engineer.

15. CONSTRUCTION OF AN INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM WITHIN AN EXISTING TOWNSHIP SANITARY SEWER SERVICE AREA. In the event that connection with the municipal water pollution control system is not permitted by reason of a sewer connection ban imposed by the New Jersey Department of Environmental Protection, Board of Health approval for a new individual subsurface sewage disposal system within an existing Township sanitary sewer service area shall be conditioned upon an assurance that the realty improvement will, upon notice from the Township, be connected with the municipal water pollution control system within 1 year after the sewer connection ban has been lifted and sewer service becomes available to the realty improvement. The assurance may take the form of a deed covenant approved by the Board of Health and recorded prior to the issuance of the permit to construct the individual subsurface sewage disposal system.

16. CONSTRUCTION OF AN INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM WITHIN A PROPOSED TOWNSHIP SANITARY SEWER SERVICE AREA. In the event that a lot upon which an individual subsurface sewage disposal system is to be constructed lies within a proposed future Township sanitary sewer service area as shown upon a Township wastewater management plan approved by the New Jersey Department of Environmental Protection, Board of Health approval for a new individual subsurface sewage disposal

system shall be conditioned upon an assurance that the realty improvement will, upon notice from the Township, be connected with the municipal water pollution control system within 1 year after sewer service becomes available to the realty improvement. The assurance may take the form of a deed covenant approved by the Board of Health and recorded prior to the issuance of the permit to construct the individual subsurface sewage disposal system.

17. REQUIREMENT FOR CERTIFICATE FOR CONTINUED  
USE OF EXISTING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM  
PRIOR TO RESALE OF PROPERTY; INSPECTIONS AND TESTS OF SYSTEMS.

(a) Requirement for Certificate. Prior to the transfer of title to any property which includes a previously occupied dwelling served by an individual subsurface sewage disposal system, a certificate for the continued use of the system shall have been issued by the Board of Health. An appropriate notation regarding this requirement shall be placed upon tax searches issued by the Tax Collector of the Township. A certificate for continued use of an individual subsurface sewage disposal system issued by the Board of Health more than 6 months prior to the transfer of title to the property as to which the certificate was issued shall not meet the requirement of this paragraph 17(a).

(b) Application for Certificate for Continued Use. Either the seller or the purchaser may make application to the Board of Health for the issuance of a certificate for continued use of an individual subsurface sewage disposal system. An application shall be made upon a form provided by the Board of Health for such purpose. The form shall include space for a report of inspection and tests of the system made in accordance with the provisions of this Section 17. A fee of \$5.00 shall be paid at the time of the submission of an application.

In the event that a Certificate of Compliance has been issued by the Board of Health with respect to a new or altered individual subsurface sewage disposal system pursuant to Section 12 within the previous twelve (12) months of the filing of an application for a Certificate for Continued Use, then upon the payment of the \$5.00 fee therefor a Certificate for Continued Use shall be issued without the need for meeting any of the requirements of this Section regarding inspections and tests of the system.

(c) Inspection and Tests by Qualified Person. The required inspection and tests of an individual subsurface sewage disposal system shall be made by a person engaged by the

applicant who is licensed by the State of New Jersey either as a professional engineer or as a Registered Environmental Health Specialist. Neither the Township Engineer nor any professional engineer associated with his firm nor a registered environmental health specialist affiliated with the Madison Board of Health shall perform the inspection or tests. The person making the inspection and tests shall sign the report required to be submitted to the Board of Health.

The inspection and tests shall be  
as follows:

(1) On-Site Inspection. The on-site inspection shall consist of a visual check of the ground surface of the subject property both above and in the vicinity of the individual subsurface sewage disposal system for purposes of determining whether there is any evidence of recent overflow of the system or any seepage from the system into any water course as such term is defined in N.J.A.C. 7:9A-2.1.

(2) Tests. The following tests shall be performed:

(i) Dye test in the plumbing system to determine whether there is any evidence of system overflows to ground surface or to any water course.

(ii) Probe test to determine whether there is any saturation peculiar to the ground above the system. In the event that such saturation is found, it shall be considered evidence of system overflow.

(iii) Usage test to ascertain whether the system can accept an appropriate discharge of water into the system without creating evidence of any overflow or seepage from the system. Total discharge of water into the system for any one usage test shall not exceed an amount calculated as follows:

50 gallons for the first bedroom plus 35 gallons for each additional bedroom, provided that the total volume of water discharged into the system shall not be less than 100 gallons nor more than 200 gallons, with the discharge being made within a period not exceeding 1 hour. No more than one such usage test shall be made on a system within any 24-hour period.

(d) Prohibited Methods for Testing an Individual Subsurface Sewage Disposal System. No person shall at any time test an individual subsurface sewage disposal system within the Township of Chatham by discharging any liquid into such system except as provided in subparagraph 17(c)2(iii), nor shall any person test such a system in any other manner that will adversely affect the functioning of the system.

(e) Completion of Report and Execution. The report of inspection and tests which is submitted to the Board of Health on the form provided shall state that the person executing the report personally made the on-site inspection of the subject property and conducted the tests in the manner required by paragraph 17(c) and shall state whether such inspection and tests revealed or produced evidence of any overflow of the system or any seepage from the system into any water course as defined in N.J.A.C. 7:9A-2.1.

(f) Issuance of Certificate for Continued Use. A certificate for continued use of an existing individual subsurface sewage disposal system serving a previously occupied dwelling shall be issued by the Secretary of the Board of Health within 5 calendar days after the receipt by the Board of a report stating that the inspection and tests made in accordance with the requirements of paragraph 17(c) did not reveal or produce evidence of any overflow of the system or any seepage from the system into any water course.

(g) Denial of Certificate for Continued Use. In the event that for any reason the requested certificate for continued use is denied, a notice of denial shall be sent to the applicant by the Secretary of the Board of Health within 5 calendar days of the receipt of the report of

inspection and tests. Such notice shall state the reason for the denial.

If considered necessary for the evaluation of a report, an authorized agent of the Board of Health may make such examinations of an individual subsurface sewage disposal system and the property upon which it is located as may be deemed necessary in order to determine whether a certificate for continued use of the system should be issued.

(h) Disclaimer. The issuance by the Board of Health of a certificate for continued use of an existing individual subsurface sewage disposal system shall not constitute a representation by the Board that the subject system will function satisfactorily for any given period of time following the date of the issuance of the certificate. Every certificate issued shall bear such a statement.

18. APPEALS. Any applicant who claims to be aggrieved by any action of the Township Board of Health or any authorized agent of the Board in the administration of the Individual Subsurface Sewage Disposal System Ordinance of the Township of Chatham shall have the right to appeal to the Board of Health by filing with the Secretary of the Board a written request for hearing which specifies the action subject of the complaint. Such request shall be filed within 20 calendar days after the appellant receives notice of the action subject of



the complaint. The Board of Health shall schedule a hearing on the matter to be held no more than 30 calendar days after the filing of the request, and notice of the hearing shall be sent to the appellant. Within 10 calendar days after the completion of the hearing, the action complained of shall be affirmed, modified or reversed by resolution of the Board which shall set forth findings and conclusions with respect to the disposition of the appeal. A copy of the resolution shall be furnished to the appellant.

19. FEES. The following fees shall be paid to the Township of Chatham:

(a) Test Observation and Inspection Fees. For the on-site observation by appointment with the Township Registered Environmental Health Specialist of a proposed disposal field profile (soil log) and/or the taking of soil samples for tests of soil permeability, the foregoing being for (1) preparation of an application for a permit to construct a new individual subsurface sewage disposal system or (2) preparation of a subdivision or site plan application, \$100.00 per lot for either or both such observations.

The required fee shall be paid prior to the time of observation by the Township Registered Environmental Health Specialist of a disposal field profile (soil log)

and/or the taking of soil samples for tests of soil permeability.

(b) Application Filing Fees.

(1) For filing an application and plans for a permit to construct a new individual subsurface sewage disposal system, \$450.00.

(2) For filing an application and plans for a permit to alter an existing individual subsurface sewage disposal system, \$300.00.

(3) For filing an application for a permit to repair an individual subsurface sewage disposal system by the replacement of an existing component or components of the system, \$60.00.

(4) For filing an application for approval of the preliminary plans for the use of an individual subsurface sewage disposal system to serve a lot in a proposed subdivision, \$100.00 per lot. For filing an application for approval of the preliminary plans for the use of an individual subsurface sewage disposal system to serve a proposed site

plan, \$100.00 per lot.

The required fee for any of the foregoing shall be paid upon the submission of an application for a permit or upon an application for the approval of plans, as the case may be, and no action shall be taken by the Board of Health upon any such application until the required fee, as well as any fee required by subsection (a), has been paid.

The fee specified in this subsection (b) shall cover but shall not necessarily be limited to all of the following: the filing of an application for a permit to construct a new individual subsurface sewage disposal system, or an application to alter an existing individual subsurface sewage disposal system or an application to repair an individual subsurface sewage disposal system, as the case may be; review of the application; issuance of any permit for construction, alteration or repair; inspections of work by the Township Registered Environmental Health Specialist, including inspection of select fill, any required reinspections of work and final inspection of any new or altered individual subsurface sewage disposal system or of any replaced component thereof; and the endorsement of a Certificate of Compliance by the Township Registered Environmental Health Specialist as to construction, alteration or repair in accordance with approved plans.

For new or altered systems an applicant shall also pay Technical Review Fees as may be required by subsection 19(c).

(c) Technical Review Fees. In addition to any fees required by subsections (a) and (b), an applicant shall pay a fee equal to the costs incurred by the Board of Health for any technical review of an application by the consulting sanitary engineer of the Board whose review, study, research, report and/or testimony is deemed necessary by the Board in order to assure that the proposed new or altered system will be in compliance with State Standards and this Ordinance.

Technical review fees shall be calculated in accordance with the actual time required for review, study, research, report and/or testimony by the consulting sanitary engineer at rates established by a schedule of professional fees adopted and from time to time amended by resolution of the Board of Health, which schedule shall be maintained in the office of the Secretary of the Board for public inspection.

The Board shall require that an applicant make a deposit for technical review fees based upon an estimate of such fees in connection with a particular application, but in no event shall such deposit be less than \$1,500. The Board may require an additional deposit to cover technical reviews as

consideration of an application progresses. All technical review fees with respect to any application shall be paid within 20 days after the receipt by an applicant of a statement therefor issued by the Board of Health.

No action shall be taken by the Board of Health on any application when a request for the deposit of additional technical review fees has not been complied with by an applicant.

Any portion of a deposit which is not actually required for technical review shall be returned to the applicant following action by the Board on the application.

No action by the Board of Health approving any application or authorizing the issuance of any permit or certificate of compliance as to a completed new or altered system shall become effective until all required technical review fees have been paid.

Any applicant questioning the amount of a technical review fee shall be entitled to inspect all of the records of the Board of Health with respect thereto, and if the applicant so requests in writing the Board shall hold a hearing with respect thereto at the next regular meeting of the Board. After such hearing the Board may affirm or modify the amount of the technical review fee by resolution adopted by a majority of

the full membership of the Board, which resolution shall include findings of fact and conclusions.

(d) Fee for Certificate for Continued Use of An Existing System. A fee of \$5.00 shall accompany each application under Section 17 for a certificate for the continued use of an existing individual subsurface sewage disposal system. No further fee shall be required for the issuance of such certificate.

20. TIME OF SUBMISSION OF AN APPLICATION. Every application shall be submitted to the Board of Health at least 10 days prior to the meeting of the Board at which consideration is desired.

21. PENALTIES. Any person who violates any provision of the Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 and following, Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A-1 and following, any provision of this Ordinance or any order of the Board of Health issued pursuant thereto shall be subject to a fine not exceeding \$200.00 for each offense and

an additional penalty of not more than \$25.00 for each day a particular violation continues after written notice of the violation shall have been given to such person by the Board of Health.

The Board of Health may refer any violation to the New Jersey Department of Environmental Protection for the assessment of penalties under N.J.A.C. 7:9A-1.7.

22. REPEAL OF OTHER ORDINANCE PROVISIONS RELATING TO INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS. Each and every provision relating to an individual subsurface sewage disposal system which is contained in Board of Health Ordinance BH-5-67, as has or may be amended, is hereby repealed and rescinded so that Ordinance BH-5-67, as amended, shall apply only to individual water supply systems.

23. SEVERABILITY OF PROVISIONS. If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall remain valid and effective.

24. EFFECTIVE DATE. This ordinance shall take effect 30 days after the publication of notice of final adopted as provided by law.

Adopted: November 13, 2001

BOARD OF HEALTH OF THE TOWNSHIP  
OF CHATHAM, IN THE COUNTY OF  
MORRIS

Attest:

Joy M. Wiley, Secretary

James M. Brown, President